

**MINUTES  
TOWN OF FORT MILL  
BOARD OF ZONING APPEALS  
October 19, 2015  
6:00 PM**

Present: Jim Thomas, Scott Couchenour, Charles Stec, Ryan Helms, Becky Campbell, Jody Stegall, Assistant Planner Chris Pettit

Absent: Terri Murray

Guests: Trish Plucker (101 Sharonview Street – Applicant), Nikki Killough (Sharonview Street Resident)

Chairman Thomas called the meeting to order at 6:00 p.m. and welcomed everyone in attendance. Assistant Planner Pettit noted that he had spoken to Ms. Murray and that she would be out of town and thus unable to attend the meeting.

**APPROVAL OF MINUTES**

Mr. Couchenour made a motion to approve the minutes of August 17, 2015 meeting as submitted by staff. Mr. Stegall seconded the motion. The motion was approved by a vote of 6-0.

**PUBLIC HEARING ITEMS**

1. **Variance request from Trish Plucker (101 Sharonview Street):** Chairman Thomas provided a brief overview of the variance request, the purpose of which was to allow an accessory use (storage shed) to be located in front of the principal structure on a corner lot. Ms. Plucker provided additional details regarding her request for variance, noting that the topography and layout of the lot leaves a majority of the property unusable based on zoning regulations. Ms. Plucker additionally provided a PowerPoint presentation showing other homes in the area that have sheds in front yards on a corner lot. Assistant Planner Pettit provided the board with additional views of the subject property using Google Street View and other online resources.

Nikki Killough, a resident of Sharonview Street, asked about why others were allowed to have sheds in front yards and Ms. Plucker was not. Chairman Thomas stated that Ms. Killough's question was related to an enforcement issue and that she should ask town council about it. Assistant Planner Pettit noted that the existence of other sheds in front yards should not be considered as justification for a variance, and that the board should focus on the conditions required for granting a variance as provided by state law.

Mr. Stec stated that he was having a hard time thinking about the potential of setting a precedent with the case. Assistant Planner Pettit noted that variances are to be considered on a case by case basis and that a precedent would only really apply in situations that were extremely similar to the case as presented by Ms. Plucker. Assistant Planner Pettit suggested that, due to the concerns, the board vote on the four required conditions for granting variance separately as opposed to together in one vote.

Chairman Thomas read the first required condition for granting variances, which is that there are extraordinary and exceptional conditions pertaining to the particular piece of property. Ms. Campbell made a motion that there are extraordinary and exceptional conditions pertaining to the particular piece of property. Mr. Couchenour seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 4-2, with Mr. Stec and Mr. Helms in opposition.

Chairman Thomas read the second required condition for granting variances, which is that the extraordinary and exceptional conditions do not generally apply to other property in the vicinity. Mr. Stegall made a motion that the extraordinary and exceptional conditions do not generally apply to other property in the vicinity. Mr. Couchenour seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 4-2, with Mr. Stec and Mr. Helms in opposition.

Chairman Thomas read the third required condition for granting variances, which is that because of the extraordinary and exceptional conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. Mr. Couchenour made a motion that because of the extraordinary and exceptional conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. Ms. Campbell seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 4-2, with Mr. Stec and Mr. Helms in opposition.

Chairman Thomas read the fourth and final required condition for granting variances, which is that the authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and that the character of the district will not be harmed by the granting of the variance. Mr. Stegall made a motion that the authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and that the character of the district will not be harmed by the granting of the variance. A question was raised as to what was meant by the word “district” in the context of the required condition. Assistant Planner Pettit noted that an exact definition was not provided within the Code of Laws and thus it was left up to the interpretation of the individual. Ms. Campbell seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion failed by a vote of 3-3, with Mr. Couchenour, Mr. Stec, and Mr. Helms in opposition.

Chairman Thomas noted pursuant to the South Carolina Code of Laws, the board was unable to determine that all four required findings for “unnecessary hardships” were applicable for the variance request and therefore the variance was not approved.

There being no further business, the meeting was adjourned at 7:10 pm.

Respectfully submitted,

Chris Pettit, AICP  
Planning Department